IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4622 OF 2006.
IN
FIRST APPEAL ST.NO.22542 OF 2006.

New India Assurance Co.Ltd. ... Applicant.
Versus.
Smt.Prachi Prakash Raut & others. ...Respondents.

Shri I.R.Kulkarni for the Applicant.

Shri T.J.Mandon for the Respondents Nos.1 to 3.

Shri C.M.Lokesh holding for Shri G.S.Hegde for Respondent No.4.

CORAM : ABHAY S.OKA, J.

DATED : 28th November, 2007.

P.C.:

1. Rule. Advocates appearing for the Respondents Nos.1 to 3 and 4 waive service. Taken up for hearing forthwith.

2. The Tribunal has recorded a finding that the widow of the deceased has been employed. A perusal of paragraph 15 of the impugned Judgment shows that prima-facie, the compensation awarded is on the higher side. It is an admitted position that the entire amount due and payable under the award is deposited with the Tribunal. Considering the factual position, the Civil, Application is disposed of by passing the following order:

i) The 1st to 3rd Respondents will be permitted to

withdraw 75% of the amount deposited by the Appellant with the Tribunal, subject to giving an undertaking to bring back the amount with appropriate rate of interest, in case the Applicant succeeds in the Appeal.

ii) The remaining 25% of the amount deposited by the Applicant will be invested in a fixed deposit in any nationalised bank and the fixed deposit shall be renewed from time to time till disposal of the Appeal.

Judge.